

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:10cv47

DOVE AIR, INC.,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
FLORIDA AIRCRAFT SALES, LLC,)	
and MARK H. O'BRIEN,)	
)	
Defendants.)	
<hr/>)	
and)	
)	
FLORIDA AIRCRAFT SALES, LLC,)	
)	
Third Party Plaintiff,)	
)	
vs.)	
)	
JOSEPH W. DUNCAN,)	
)	
Third Party Defendant.)	
<hr/>)	

THIS MATTER is before the Court on Florida Aircraft Sales, LLC's Motion for Award of Attorneys' Fees [Doc. 56].

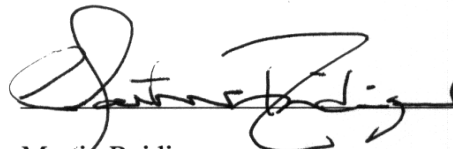
No response to the motion has been made. Having carefully reviewed the same and no response in opposition having been filed, the

Court is of the opinion that the motion should be granted for the reasons stated therein. The Court will therefore grant attorneys' fees in an amount equal to fifteen per cent of the outstanding balance at the time that Florida Aircraft Sales, LLC filed its claim for default in connection with the promissory note at issue in this matter. N.C. Gen. Stat. §6-21.2(2). Since the outstanding balance was \$590,555.00 (Doc. 57), fifteen per cent thereof constitutes \$88,583.25.

IT IS, THEREFORE, ORDERED that Florida Aircraft Sales, LLC's Motion for Award of Attorneys' Fees [Doc. 56] is hereby **GRANTED** and it is awarded the sum of \$88,583.25 in attorneys' fees against Dove Air, Inc. and Joseph Duncan jointly and severally.

Judgment for these attorneys fees is simultaneously entered.

Signed: October 18, 2011


Martin Reidinger
United States District Judge

